

RECEIVED

JUL 20 2012

U. S. DISTRICT COURT
E. DIST. OF MO.
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

Nicholas Nelson,
Plaintiff

v.

Case No. _____
(To be assigned by Clerk of District Court)

James Wilcox,
St Louis Police Department
Defendant(s)

COMPLAINT

- I. State the grounds for filing this case is Federal Court (include federal statutes and/or U.S. Constitutional provisions, if you know them):

42 USC Section 1983 - Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the **deprivation of any rights, privileges, or immunities secured by the Constitution and laws**, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

28 USC Section 1331 - Federal question

The district courts shall have original jurisdiction of **all civil actions arising under the Constitution, laws, or treaties of the United States.**

28 USC Section 1343 - Civil rights and elective franchise

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

- (1) **To recover damages for injury to his person or property**, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;
- (2) **To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;**
- (3) **To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the**

Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

28 USC Section 1361 - Action to compel an officer of the United States to perform his duty

The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.

Also, from my experience St Louis Circuit Court is bias and “in bed” with St Louis Police Department.

II. Plaintiff, Nicholas Nelson resides at 3329 California Ave, St Louis in the county of Saint Louis MO 63118

III. Defendant(s),

James Wilcox (et al) lives at, or its business is located at 3157 Sublette, St Louis, MO 63139

IV. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. You must state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved, dates, and places. Be as specific as possible. You may use additional paper if necessary):

1. On or about Sunday July 15 approximately 8:30pm, Officer? James Wilcox initiated the deprivation my rights by impeding my right to travel. I was a passenger in a vehicle heading southbound on Virginia Ave, Officer? Wilcox was heading Northbound and upon passing busted a u-turn (reckless driving, mayhem, unsafe and improper) and proceeded to pull the vehicle over. Officer? Wilcox was not on traffic detail, nor responding to a call of any suspicious individuals fitting our vehicle or personal description (racial profiling). When the driver asked him why he was pulled over, Wilcox replied that it was due to rear lights (how did he see that before he u-turned and was he on traffic duty?) His partner who approached on the passenger side was asked the same question, to which he replied “I don't know why”. The officers? then proceeded to asked for identification of the driver and all passengers to which we complied.

2. Passenger Christopher Hill asked Wilcox if he had probable cause to proceed with his investigation. His response was to order the driver out of the vehicle and place in hand-cuffs, followed by ordering Mr Hill out of the vehicle and placed in hand-cuffs. I was the last person in the vehicle. I was then ordered out of the vehicle at which point I handed the officer? my CCW permit. The officer? asked if I had any weapons to which I identified a pocket-knife in my left pocket and my guns within my bag inside the vehicle. I was subsequently forced down to the curb and hand-cuffed to the other passengers.
3. Officer? Wilcox proceeded to search the vehicle without the driver's permission and removed all of my personal property (weapons included).
4. I was lifted up from the curb in a manner which resulted in injury to both my shoulders (St Alexis Hospital July 17). I was forced into the back of their "paddy wagon" in cuffs. At this point I became very fearful for my safety. The sergeant arrived on the scene. After some deliberation, my cuffs where removed and I was told to stand near the vehicle who's driver had been allowed to return to his vehicle. I asked for the return of my personal property - the response was to be placed back in hand-cuffs and forced back into the "paddy wagon" (intimidation). I was then transported to South Patrol Substation resulting in injury to my back, neck and ribs. I also felt like was going to pass out from the extreme heat and sweated heavily.
5. At the station I was told to remove everything from my pockets and shoe-strings (degradation, intimidation and duress), but allowed to make a phone call to my wife to alert her to my location/situation.

6. I was subsequently taken to a computer room where Wilcox pulled my records on file which proved clean, however such information should not have been a condition of my release since no crime was committed. An inquiry was held by the Lieutenant. I informed them that my wife would pick me up to help me transport my property/weapons home safely. I was released without my weapons or property. While in the lobby, another officer? attempted to coerce me into making a statement against Christopher Hill (intimidation, coercion, and implied threat). At this time I was very fearful from the ordeal and nature of its execution. I was so drained and shuck up, that I popped my front right tire while trying park when I got home. I now find myself looking over my shoulder and wondering if I am safe with Wilcox on the street. I am also fearful for myself and family since my protection was not returned. There are many violent crimes in my area. I was also unable to attend a security consulting assignment since my gear was not returned. I have made numerous attempts to have my property returned, to no avail. I have also filed a complaint with Internal Affairs complaint # 12-035993. Upon subsequent contact with St Louis PD, I was told that I have to fill out a "packet" for the return of my property. I do not wish to contract with St Louis PD, neither do I feel the burden of proof should be on me as they are the offender and I am the victim.

- V. Relief: State briefly and exactly what you want the Court to do for you.

I want my weapons/property returned immediately without having to prove ownership or completing any "packet". This is an unacceptable "procedure" without merit leading to additions to St Louis Police Department's collection of private property and further infringing my rights; regardless I have already sent proof of ownership in the interest of saving time (proof attached). I want assurance and protection from retaliation by Wilcox or any member of the St Louis Police Department, his friends or affiliates. I want Wilcox to be deprived of his weapon, vest and radio for the same amount of time that I was deprived of my personal protection. I suggest Wilcox undergo psychological examination for exercising poor judgment. I also recommend sensitivity training to address his practice of racial profiling. I want monetary compensation for mental and physical injury and duress. I find it very difficult to sleep, concentrate or relax.

- VI. MONEY DAMAGES:

A) Do you claim either actual or punitive monetary damages for the acts alleged in this complaint? yes

I am requesting a settlement of 1 million dollars (but not less than \$500,000) to deter

St Louis Police Department from engaging in such offensive and potentially fatal practices. I feel that if I had not kept a cool head, the officers may have further over-reacted, drawn and used their weapons to even murder any witness and cover-up their offense. I fear that nothing is beyond such individuals operating under the guise of law enforcement who operate in excess of their authority. I have incurred medical expenses from this ordeal and am still in pain, severity of damage yet undetermined. I am fearful of my life and that of my family (on my way home the other day I feared that my wife and children may be harmed in my absence). I feel the need to implement surveillance on my residence to evidence any retaliation. I am fearful that my door could be kicked in at any moment and that I could even be framed. I need an alarm on my vehicle in case of vandalism/reprisal. I feel that I need a safe-house far outside the city limits should I need to flee from the jurisdiction of St Louis PD. I need finance to have an attorney on retainer. I need finance to implement any other protective means that I see fit or feel may be necessary. I am missing my notes for a substantial business deal. My character may have been scarred by being seen in public under police custody and I am fearful that my record may show a blight effecting future employment. Any co-conspirator or individual who has offered officer? Wilcox aid in avoiding prosecution or falsified any police reports or statements shall be penalized $\frac{1}{2}$ of the monetary damages awarded.

VII. Additional Information:

Discovery

St Louis 1st District South Patrol also failed to provide a copy of the police report when asked. They also refused to respond to my Public Servant Questionnaire (copies attached).

Relevant cases/law:

[HTTP://blogs.citypages.com/blotter/2011/12/rickia_russell_police_brutality_flashbang_grenade.php](http://blogs.citypages.com/blotter/2011/12/rickia_russell_police_brutality_flashbang_grenade.php)

http://www.denverpost.com/breakingnews/ci_19730217

<http://bangordailynews.com/2011/06/27/news/bangor/police-brutality-civil-case-settled-for-725000-out-of-court/>

UNITED STATES CONSTITUTION Article 6

18 USC sect 1621 - Perjury generally

18 USC sect 242 - Deprivation of rights under color of law

42 USC sect 1981 - Equal rights under the law

18 USC sect 2236 - Searches without warrant

42 USC sect 1982 - Property rights of citizens

United States Constitution Amendment II

Article 4 Section 4

Amendment IV

18 USC sect 1201 - Kidnapping

18 USC sect 1203 - Hostage taking

18 USC sect 3 - Accessory after the fact

42 USC sect 1985 - Conspiracy to interfere with civil rights

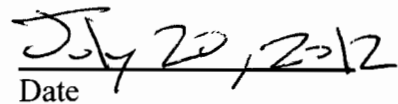
42 USC sect 1986 - Action for neglect to prevent

18 USC sect 1001 - Statements or entries generally



Signature of attorney or pro se Plaintiff

(34) 409-1292



Date